

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-md-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFE

*Ahold USA, Inc., et al. v. Actavis
Holdco U.S., Inc. et al.*

Civil Action Nos.

*1199SEIU Nat'l Benefit Fund, et
al. v. Actavis Holdco US, Inc.*

18-2641

18-2401

18-3299

18-2533

*Humana Inc. v. Actavis Elizabeth,
LLC et al.*

18-284

18-4137

17-3768

*West Val Pharm., et al. v. Actavis
Holdco U.S., Inc.*

Document Electronically Filed

*The Kroger Co., et al. v. Actavis
Holdco U.S., Inc.*

*Marion Diagnostic Center, LLC,
et al. v. McKesson Corp., et al.*

*The State Attorneys General
Litigation*

ORDER

AND NOW, this ____ day of _____, 2019, upon consideration of Lannett's Individual Motion to Dismiss for Failure to State a Claim upon Which Relief Can Be Granted and any opposition thereto, it is hereby ORDERED that the Motion to Dismiss is hereby GRANTED in its entirety. The pending Complaints in the above-captioned matters are hereby DISMISSED WITH PREJUDICE as to Lannett as follows:

1. The First Amended Complaint filed by the Direct Purchaser Plaintiffs, Civil Action No. 18-2641 [Dkt. 11], is DISMISSED WITH PREJUDICE as to Lannett.

2. Counts One through Four of the End Payer Plaintiffs' Complaint "brought against all Defendants for their participation in an overarching conspiracy to fix, raise and/or stabilize the prices of the Drugs at Issue," Civil Action No. 18-2401 [Dkt. 2], are DISMISSED WITH PREJUDICE as to Lannett;

3. Counts CVI-CX of the Amended Complaint filed by Plaintiff Humana, Inc., Civil Action No. 18-3299 [Dkt. 30], are DISMISSED WITH PREJUDICE as to Lannett;

4. Counts One through Four of the Indirect Reseller Plaintiffs' Amended Overarching Complaint "brought against all Defendants for their participation in an overarching conspiracy to fix, raise and/or stabilize the prices of the Drugs at Issue," Civil Action No. 18-2533 [Dkt. 4], are DISMISSED WITH PREJUDICE as to Lannett;

5. Count One of the Complaint filed by Plaintiffs The Kroger Co., Albertsons Companies LLC, and H.E. Butt Grocery Company L.P., Civil Action No. 18-284 [Dkt. 37], is DISMISSED WITH PREJUDICE as to Lannett;

6. Counts I-XXVIII of the First Amended Complaint filed by Plaintiffs Marion Diagnostic Center, LLC and Marion Healthcare, LLC, Civil Action No. 18-4137 [Dkt. 22], are DISMISSED WITH PREJUDICE as to Lannett; and

7. The joint and several liability allegations in Counts One through Eighteen of the Consolidated Amended Complaint filed by the Plaintiff States, Civil Action No. 17-3768 [Dkt. 15], are STRICKEN WITH PREJUDICE as to Lannett.

BY THE COURT

The Honorable Cynthia M. Rufe